UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

OLGA PARDO, **Plaintiff,**	:	
v.	:	**C.A. No. 05-074T**
TOWN OF JOHNSTON, et al., **Defendants**	:	

MOTION FOR REMAND

Now comes the Plaintiff and hereby moves to have this matter remanded to State Court and as grounds therefore and in support thereof relies on her Memorandum of Law filed simultaneously herewith.

WHEREFORE, the Plaintiff respectfully prays that her Motion for Remand be granted.

Respectfully submitted,
Plaintiff,
By her attorneys,
SINAPI, FORMISANO & COMPANY, LTD.

Dated: August 11, 2005

V. Edward Formisano (5512)
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CERTIFICATION

To: Marc DeSisto, Esq.
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I hereby certify that the within document was caused to be mailed, postage prepaid, to the above-cited attorneys of record on this 11 day of August, 2005.

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v.	:	**C.A. No. 05-074T**
TOWN OF JOHNSTON, et al., **Defendants**	:	

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR REMAND

This action was originally filed in Providence County Superior Court. Defendants then petitioned to have this action removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

On July 26, 2005, Plaintiff filed a stipulation to dismiss her federal claims. An order dismissing said claims was entered on August 9, 2005.

With the dismissal of Plaintiff's federal counts, this Honorable Court lacks subject matter jurisdiction. See, e.g., 28 U.S.C. §1447; Women's Development Corp. v. City of Central Falls, 968 F.Supp. 786 (D.R.I. 1997); Roach v. West Virginia Regional Jail and Correctional Facility Authority, 74 F.3d 46 (4th Cir. 1996). Due to the lack of subject matter jurisdiction, this matter should therefore be remanded to Providence County Superior Court.

WHEREFORE, the Plaintiff respectfully prays that her Motion for Remand be granted.

Plaintiff,
By her attorneys,
SINAPI, FORMISANO & COMPANY, LTD.

Dated: August 11, 2005

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Jessica A. Paeyo